

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL OF
GREATER ST. LOUIS AND VICINITY,
et al.,

Plaintiffs,

V.

DANA STEWART CONSTRUCTION
COMPANY, INC., a Missouri corporation,

Defendant.

No. 4:09 CV 00549-JCH

ORDER AND WRIT OF BODY ATTACHMENT

This is an action under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. §1132, to collect delinquent fringe benefit contributions. The Court entered a judgment in this proceeding on July 15, 2009 in the amount of \$18,822.56 against defendant. To date, plaintiffs have not been able to collect all of the judgment balance.

Defendant has never entered an appearance in this matter. After the Court granted the judgment, plaintiffs noticed a Rule 69 deposition of defendant's principal, Dana Stewart, on June 29, 2010. However, defendant failed to appear at that deposition or produce the documents requested by plaintiffs. On July 1, 2010, the Court entered an order compelling defendant to appear for a Rule 69 deposition on August 2, 2010. Defendant again failed to appear.


This Court set a hearing on plaintiffs' Motion for Contempt on August 26, 2010. However, defendant failed to appear at this hearing.

Accordingly,

IT IS HEREBY ORDERED that the United States Marshal is to seize Dana Stewart, last known address: 2835 Wisconsin, St. Louis, MO 63118, as soon as possible and bring him before this Court to answer for his failure to comply.

IT IS FURTHER ORDERED that defendant be fined an amount of \$200.00 for every day he continues to be in contempt of this Court, beginning with the date of this order, payable to the Clerk of Court. The fines shall mount daily until defendant absolves himself of contempt by complying with the Court's July 1, 2010 order.

SO ORDERED:



HON. JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE

Date: 8/27/10